

CITY OF ROSENBERG

REGULAR CITY COUNCIL MEETING MINUTES

On this the 5th day of July, 2016, the City Council of the City of Rosenberg, Fort Bend County, Texas, met in a Regular Session, in the Rosenberg City Hall Council Chamber, located at 2110 4th Street, Rosenberg, Texas.

Present: Cynthia A. McConathy, Mayor
William Benton, Councilor at Large, Position 1
Amanda J. Barta, Councilor at Large, Position 2
Jimmie J. Pena, Councilor, District 1
Susan Euton, Councilor, District 2
Alice Jozwiak, Councilor, District 3
Lynn Moses, Councilor, District 4

Staff Present: John Maresh, Interim City Manager
Cynthia Trevino, City Attorney
Linda Cernosek, City Secretary
Joyce Vasut, Executive Director of Administrative Services
Lori Remington, Human Resources Director
Dallis Warren, Police Chief
Wade Goates, Fire Chief
Danyel Swint, Executive Assistant
Renee McAnally, Animal Control Officer
Kelly Kruesch, Police Officer
John Rivera, Police Officer

Call to order: City Hall Council Chamber

Mayor McConathy called the meeting to order at 7:00 p.m.

Invocation and Pledge of Allegiance.

Reverend Deborah Prihoda, First Assembly of God, Rosenberg gave the invocation and led in the pledge of allegiance to the flag.

Presentation of Rosenberg Image Committee Beautification and Renovation Awards.

Councilor at Large, Position 1 William Benton presented the Rosenberg Image Committee Beautification and Renovation Awards to:

- Landscape:
 - John Corley and Heather Brainard, 3821 Marilyn Street (arrived late and was presented award upon adjournment)
 - 3101 Place Apartments, 3101 Vista Drive (presented to Elsa Matamoras)
 - Harold D. Lewellyn, 1027 Vera Cruz Drive
- Renovation:
 - Elias and Diane Zepeda, 1500 4th Street

Announcements.

Mayor McConathy thanked the Family 4th Celebration sponsors for a wonderful event.

GENERAL COMMENTS FROM THE AUDIENCE.

Citizens who desire to address the City Council with comments of a general nature will be received at this time. Each speaker is limited to three (3) minutes. In accordance with the Texas Open Meetings Act, the City Council is restricted from discussing or taking action on items not listed on the agenda. It is our policy to have all speakers identify themselves by providing their name and residential address when making comments.

KEY DISCUSSION POINTS:

The following persons discussed Rosenberg's potential to be a no-kill shelter:

- Danna Psencik, 2820 Talasek, Rosenberg
- Ann Gardner, 16811 Alabaster Court, Houston
- Beth Hammond, 3426 Carriage House Drive, Richmond
- Lorene Lindsey, 1713 Wimberly Hollow Lane, Rosenberg

Mayor McConathy stated to those present that the City Secretary has a sign-up sheet for anyone interested in receiving notifications of a future meeting for the public to discuss issues with the animal control shelter.

COMMENTS FROM THE AUDIENCE FOR CONSENT AND REGULAR AGENDA ITEMS.

Citizens who desire to address the City Council with regard to matters on the Consent Agenda or Regular Agenda will be received at the time the item is considered. Each speaker is limited to three (3) minutes. Comments or discussion by the City Council Members will only be made at the time the agenda item is scheduled for consideration. It is our policy to have all speakers identify themselves by providing their name and residential address when making comments.

CONSENT AGENDA

1. **Review of Consent Agenda.**

All Consent Agenda items listed are considered to be routine by the City Council and may be enacted by one (1) motion. There will be no separate discussion of Consent Agenda items unless a City Council Member has requested that the item be discussed, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Regular Agenda.

A. **Consideration of and action on Special Meeting Minutes for June 14, 2016, and Regular Meeting Minutes for June 21, 2016.**

B. **Consideration of and action on Resolution No. R-2178, a Resolution approving Capital Improvement Plan priorities for FY2017.**

EXECUTIVE SUMMARY

During the FY2017 Budget process, staff reviewed the current Capital Improvement Plan (CIP) and is recommending that a total of thirty-one (31) projects be addressed in FY2017. Exhibit "A" to Resolution No. R-2178 lists the individual projects. The Planning Commission met on May 18, 2016, and also recommended approval of the projects proposed for the FY2017 CIP. These projects were presented to City Council at the May 24, 2016, and the June 28, 2016 City Council Workshops. (Please note that draft minutes for the June 28, 2016 Workshop Meeting were not yet available at print time for this Agenda packet.)

Existing funding is available for thirteen (13) of the Capital Projects, and an additional ten (10) projects are partially funded. Four (4) of the partially funded projects will be fully funded once the 2016 Certificates of Obligation are issued. Funding for eight (8) projects will be proposed in the FY2017 Budget and funding for eight (8) other projects will be addressed as cost estimates and additional information becomes available.

Approval of Resolution No. R-2178 will establish the City's FY2017 Capital Improvements Plan and allow for the projects to be properly included in the proposed FY2017 Budget. Staff recommends approval of Resolution No. R-2178.

C. **Consideration of and action on Resolution No. R-2179, a Resolution approving Capital Improvement Plan priorities for FY2018 to FY2021.**

EXECUTIVE SUMMARY

Staff has prepared a proposed schedule for Capital Improvement Projects for FY2018, FY2019, FY2020 and FY2021, to supplement the FY2017 CIP, and presented same to City Council for review at the June 28, 2016 Workshop Meeting. The development of the CIP for FY2018 to FY2021 is based on several factors, including but not limited to:

- Unfunded Mandates (Fort Bend Subsidence District, TCEQ)
- Liability/Risk Management including noncompliance violations which subject the City to monetary fines, penalties and/or enforcement actions
- Protect the health, safety and welfare of the citizens and the environment
- Opportunities to leverage City funds with Fort Bend County Mobility Bond Funds or grant funds
- Quality of life/growth including City parks and City facilities

The proposed FY2018-FY2021 CIP is attached to Resolution No. R-2179 as Exhibit "A", and staff recommends approval. (Please note that a draft minute excerpt from the June 28 Workshop Meeting was not yet available at print time for this Agenda packet.)

D. **Consideration of and action on Resolution No. R-2180, a Resolution approving FY2017 Budget Priorities.**

EXECUTIVE SUMMARY

As part of the budget process, each Department submitted their budget requests for FY2017, not including operational expenses. The requests were submitted as either capital requests, supplemental requests, or personnel requests. The requests were compiled into two separate listings (supplemental and personnel), prioritized by management, and presented to City Council at the May 24, 2016 City Council Workshop. City Council members each individually ranked the requests, the results of which were presented at the June 28, 2016 City Council Workshop. (Please note that a minute excerpt from the June 28, 2016 Workshop Meeting was not yet available at print time for this Agenda packet.)

At the June 28, 2016 Workshop, City staff presented a plan to fund three (3) of the personnel requests:

- IT Specialist for Police Department
- Technology System Administrator
- Communications Content Specialist

Immediate funding was also proposed for six (6) of the supplemental requests:

- Police package Tahoe unit - Police Department
- Heavy duty truck scanner - Fleet Maintenance
- Computer equipment - Health Department
- Blueprint printer and scanner - Information Services
- Mower - Parks Department
- Full matrix changeable message sign - Public Works Department

Assuming approval of the budget adjustment, also on this meeting Agenda, to fund these positions and supplemental items in FY2016, these requests have been removed from the budget priorities listings for FY2017.

The remaining items are included as Exhibit "A" to Resolution No. R-2180. Should City Council approve Resolution No. R-2180, staff will determine the number of items that may be funded and included in the proposed FY2017 Budget. Staff recommends approval of Resolution No. R-2180.

E. **Consideration of and action on Resolution No. R-2181, a Resolution authorizing the Interim City Manager to execute, for and behalf of the City, Budget Amendment 16-09 in the amount of \$158,561 for the provision of adding two new positions, converting a current position to a new title and purchasing equipment for various departments.**

EXECUTIVE SUMMARY

At the June 28, 2016 City Council Workshop Meeting, City staff presented a plan for personnel and supplemental priorities. This plan includes removing the open position of Executive Director of Support Services and reallocating the unused, budgeted funds in the amount of \$33,741 to fund the following positions for the remainder of FY2016:

- Add an IT Specialist position to the Police Department
- Add a Communications Content Specialist
- Convert one of the current IT Specialist positions to a Technology System Administrator

This plan also included the purchase of several supplemental items using General Fund, fund balance:

Police Package Tahoe Unit - Police Department	\$61,420
Heavy Duty Truck Scanner - Fleet Maintenance Department	\$6,000
Computer Equipment - Health Department	\$5,400
Blueprint Print/Scanner - Technology	\$17,000
Mower Replacement - Parks Department	\$17,000
Full Matrix Changeable Message Signs - Street Department	\$18,000
Total	\$124,820

The Budget Adjustment 16-09 in the amount of \$158,561, is attached as Exhibit "A" to Resolution No. R-2181. Staff recommends approval of Resolution No. R-2181.

ACTION

Motion by Councilor at Large, Position 1 William Benton, seconded by Councilor, District 4 Lynn Moses to approve Consent Agenda Items A-E.

VOTE: 7 - 0 Carried - Unanimously

REGULAR AGENDA

2. **Consideration of and action on accepting the resignation of Judy Wright from the City of Rosenberg Image Committee and appointment of a new member to the Image Committee.**

EXECUTIVE SUMMARY

At the June 7, 2016 City Council Meeting, City Council appointed Judy Wright as a member of the Image Committee. On June 21, 2016, Ms. Wright submitted an email to the City Secretary that she would have to resign from the Image Committee.

This item provides an opportunity for the City Council to accept Ms. Wright's resignation from the Image Committee and appoint a new applicant to fill the remaining term for said position. A citizen application to serve the remaining term on the Image Committee has been provided under separate cover for City Council consideration.

KEY DISCUSSION POINTS:

- City Secretary Linda Cernosek reviewed the Executive Summary.
- Two (2) applications have been received for consideration.
- A minimum of seven (7) members and a maximum of thirteen (13) members are required.
- Councilor Benton requested clarification on receipt of applications in the future. Mayor McConathy responded that new applicants may not be considered until the application process begins again next year.

ACTION

Motion by Councilor, District 2 Susan Euton, seconded by Councilor at Large, Position 1 William Benton to approve the resignation of Judy Wright and the appointment of Jose Camacho, Jr., and Richard Olson as the new members to the Rosenberg Image Committee.

VOTE: 7 - 0 Carried - Unanimously

3. **Consideration of and action on Resolution No. R-2177, a Resolution rescinding Resolution No. R-1307, approved on the 3rd day of May 2011, and Resolution No. R-1701, approved on the 17th day of September 2013, that would have discontinued Fire Services and First Responder Services in the Extraterritorial Jurisdiction of the City of Rosenberg on September 30, 2016.**

EXECUTIVE SUMMARY

City Council has previously passed Resolution No. R-1307 which established a date of September 30, 2013, as a deadline for discontinuing fire service to certain areas within the City's Extraterritorial Jurisdiction (ETJ). On September 17, 2013, City Council passed Resolution No. R-1701 to extend the deadline for discontinuing fire service in the City's Extraterritorial Jurisdiction through September 30, 2016.

During this time, Fort Bend County Emergency Service District No. 6 (ESD 6) was created. ESD 6 started operations in January of 2016 and has started providing service to a large area in the ETJ that was once served by Rosenberg Fire Department. There are a few residences that lie outside of City of Rosenberg City Limits and the area served by ESD 6, leaving these areas without fire and first responder services and unable to obtain them from other sources. Additionally, part of that unserved area was recently disannexed by the City and would not have service available to them. Resolution No. R-2177, if adopted, would rescind the previous deadline of September 30, 2016, for discontinuing fire service and first responder service to areas in the ETJ and would provide said services to certain areas in the ETJ which lie outside the boundaries of ESD 6 and the City of Rosenberg, as defined and revised by the Fort Bend County Fire Marshal. Staff recommends approval of Resolution No. R-2177 as presented.

KEY DISCUSSION POINTS:

- Fire Chief Wade Goates reviewed the Executive Summary.
- Spacek tract, north of line at Bryan Road, was disannexed and would be without fire and first responder service.
- Two (2) streets in the City's ETJ, Tori Road and Sycamore Road, would also be without fire and first responder service.
- There is a fire station at August Green Drive.
- Rio Brazos and Kingdom Heights subdivisions are currently serviced by the City; however, if service is discontinued on September 30, 2016, ESD 4 would service these areas and would have to travel through the City limits.
- Discussions were held regarding reimbursement for services.
- If Council decides not to adopt this Resolution, notices would need to be sent to Fort Bend County Fire Marshal.
- ESD 6 would only get trash service, not fire and first responder service.
- The interlocal response would be at a different level than those contracting with the City. Those contracting with the City receive service with more personnel.
- Council requests adding an item to an upcoming Workshop meeting to discuss time limits on notifying citizens in the ETJ.

ACTION

Motion by Councilor at Large, Position 1 William Benton, seconded by Councilor at Large, Position 2 Amanda J. Barta to approve Resolution No. R-2177, a Resolution rescinding Resolution No. R-1307, approved on the 3^d day of May 2011, and Resolution No. R-1701, approved on the 17th day of September 2013, that would have discontinued Fire Services and First Responder Services in the Extraterritorial Jurisdiction of the City of Rosenberg on September 30, 2016.

VOTE: 6 - 1 Carried

No: Councilor, District 2 Susan Euton

4. **Consideration of and action on Ordinance No. 2016-17, an Ordinance amending the Code of Ordinances by deleting all of Article I of Chapter 29 thereof and substituting therefor a new Article I of Chapter 29 entitled "In General"; by deleting all of Division 1 of Article II of Chapter 29 thereof and substituting therefor a new Division 1 of Article II of Chapter 29 thereof entitled "Water"; and by deleting all of Division 3 of Article III of Chapter 29 thereof and substituting therefor a new Division 3 of Article III of Chapter 29 thereof entitled "Rates and Charges"; providing an effective date; providing a penalty in an amount not to exceed \$2,000 for violation of any provision hereof; and providing for severability.**

EXECUTIVE SUMMARY

At the April 26, 2016, and June 28, 2016 City Council Workshop Meetings, staff presented proposed changes to the "Water and Wastewater" Ordinance regarding the following items:

- Dishonored checks
- Application requirements
- Deposits
- Temporary service
- Initiation/connection fees
- Credit adjustments
- Administrative penalties/reconnection fees
- Multi-unit accounts
- Minimum monthly charges
- Water consumption rates

(Please note that a draft minute excerpt from the June 28, 2016 Workshop Meeting was not yet available at print time for this Agenda packet.) The proposed changes are presented in the attached redlined version of Ordinance No. 2016-17. Staff recommends approval of Ordinance No. 2016-17, with an effective date of October 1, 2016.

KEY DISCUSSION POINTS:

- Joyce Vasut, Executive Director of Administrative Services reviewed the Executive Summary.
- Correction on Page 19 of final version, chart should read "minimum charge per meter", not "unit."
- Councilor Benton is not in favor of the rate increase.
- Ms. Vasut stated the adjustments to water rate schedule helps meet the City's water conservation plan and, overall, the rate change did not affect residential customers using 10,000 gallons or less.

ACTION

Motion by Councilor, District 1 Jimmie J. Pena, seconded by Councilor at Large, Position 2 Amanda J. Barta to approve Ordinance No. 2016-17, an Ordinance amending the Code of Ordinances by deleting all of Article I of Chapter 29 thereof and substituting therefor a new Article I of Chapter 29 entitled "In General"; by deleting all of Division 1 of Article II of Chapter 29 thereof and substituting therefor a new Division 1 of Article II of Chapter 29 thereof entitled "Water"; and by deleting all of Division 3 of Article III of Chapter 29 thereof and substituting therefor a new Division 3 of Article III of Chapter 29 thereof entitled "Rates and Charges"; providing an effective date; providing a penalty in an amount not to exceed \$2,000 for violation of any provision hereof; and providing for severability, and revising the chart title in Section 29-52.2. - Penalty to read "Minimum Charge Per Meter," instead of "Minimum Charge Per Unit".

VOTE: 6 - 1 Carried

No: Councilor at Large, Position 1 William Benton


5. **Hold Executive Session to deliberate the potential purchase, exchange, lease or value of real property pursuant to Texas Government Code Section 551.072; and, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal for the position of Municipal Court Judge pursuant to Section 551.074 of the Texas Government Code.**

ACTION

Motion by Councilor at Large, Position 2 Amanda J. Barta, seconded by Councilor, District 4 Lynn Moses to adjourn to Executive Session.

VOTE: 7 - 0 Carried - Unanimously

6. **Adjourn Executive Session, reconvene Regular Session, and take action as necessary as a result of Executive Session.**
Mayor McConathy reconvened Regular Session at 8:15 p.m.
7. **Adjournment.**
There being no further business, Mayor McConathy adjourned the Regular City Council Meeting at 8:15 p.m.


Linda Cernosek, TRMC, City Secretary